

110TH CONGRESS
2D SESSION

S. 3148

To modify the boundary of the Oregon Caves National Monument, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JUNE 18, 2008

Mr. WYDEN introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

A BILL

To modify the boundary of the Oregon Caves National Monument, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Oregon Caves National
5 Monument Boundary Adjustment Act of 2008”.

6 **SEC. 2. FINDINGS; PURPOSE.**

7 (a) FINDINGS.—Congress finds that—

8 (1) the Oregon Caves National Monument—

1 (A) is comprised of a rectangular area of
2 approximately 480 acres located in the Siskiyou
3 Mountains of southern Oregon; and

4 (B) was established by Presidential Procla-
5 mation Number 876 (36 Stat. 2497), dated
6 July 12, 1909, to protect the caves, which were
7 determined to have unusual scientific interest
8 and importance;

9 (2) on June 10, 1933, in accordance with Exec-
10 utive Order 6166 (5 U.S.C. 901 note), the adminis-
11 tration of the Monument was transferred from the
12 Secretary of Agriculture to the Secretary of the In-
13 terior; and

14 (3) the 1999 general management plan for the
15 Monument contains a recommendation for adding
16 surrounding land to the Monument—

17 (A) to provide better protection for—

- 18 (i) cave ecology;
19 (ii) surface and subsurface hydrology;
20 (iii) public water supplies; and
21 (iv) trails and views;

22 (B) to establish a logical topographical
23 boundary; and

24 (C) to enhance public outdoor recreation
25 opportunities.

1 (b) PURPOSE.—The purpose of this Act is to add sur-
 2 rounding land to the Monument—

- 3 (1) to enhance the protection of the resources
 4 associated with the Monument; and
 5 (2) to increase public recreation opportunities.

6 **SEC. 3. DEFINITIONS.**

7 In this Act:

8 (1) GRAZING ALLOTMENT.—The term “grazing
 9 allotment” means—

10 (A) the Big Grayback Grazing Allotment
 11 located in the Rogue River-Siskiyou National
 12 Forest; and

13 (B) the Billy Mountain Grazing Allotment
 14 located in a parcel of land that is—

15 (i) managed by the Secretary (acting
 16 through the Director of the Bureau of
 17 Land Management); and

18 (ii) located in close proximity to the
 19 land described in subparagraph (A).

20 (2) GRAZING LEASE; GRAZING PERMIT.—The
 21 terms “grazing lease” and “grazing permit” mean
 22 any document authorizing the use of a grazing allot-
 23 ment for the purpose of grazing livestock for com-
 24 mercial purposes.

1 (3) LESSEE; PERMITTEE.—The terms “lessee”
2 and “permittee” mean a livestock operator that
3 holds a valid existing grazing lease or permit for a
4 grazing allotment.

5 (4) MAP.—The term “map” means the map en-
6 titled “Oregon Caves National Monument, Proposed
7 Boundary” numbered 150/80,023, and dated June
8 2008.

9 (5) MONUMENT.—The term “Monument”
10 means the Oregon Caves National Monument estab-
11 lished by Presidential Proclamation Number 876 (36
12 Stat. 2497), dated July 12, 1909.

13 (6) SECRETARY.—The term “Secretary” means
14 the Secretary of the Interior.

15 (7) SECRETARY CONCERNED.—The term “Sec-
16 retary concerned” means—

17 (A) the Secretary of Agriculture (acting
18 through the Chief of the Forest Service), with
19 respect to National Forest System land; and

20 (B) the Secretary of the Interior, with re-
21 spect to land managed by the Bureau of Land
22 Management (including land held for the ben-
23 efit of an Indian tribe).

1 **SEC. 4. BOUNDARY ADJUSTMENT; LAND TRANSFER.**

2 (a) BOUNDARY ADJUSTMENT.—The boundary of the
3 Monument is modified—

4 (1) to include approximately 4,070 acres of
5 land identified on the map as the “Proposed Addi-
6 tion Lands”; and

7 (2) to exclude approximately 4 acres of land—

8 (A) located in the City of Cave Junction;

9 and

10 (B) identified on the map as the “Cave
11 Junction Unit”.

12 (b) LAND TRANSFER.—The Secretary of Agriculture
13 shall—

14 (1) transfer the land described in subsection

15 (a)(1) to the Secretary; and

16 (2) adjust the boundary of the Rogue River-
17 Siskiyou National Forest to exclude the land trans-
18 ferred under paragraph (1).

19 (c) AVAILABILITY OF MAP.—The map shall be on file
20 and available for public inspection in the appropriate of-
21 fices of the National Park Service.

22 **SEC. 5. WILD AND SCENIC RIVER DESIGNATIONS.**

23 Section 3(a) of the Wild and Scenic Rivers Act (16
24 U.S.C. 1274(a)) is amended by adding at the end the fol-
25 lowing:

1 “(171) OREGON CAVES NATIONAL MONUMENT,
 2 OREGON.—The following segments in the State of
 3 Oregon, to be administered by the Secretary of the
 4 Interior:

5 “(A) CAVE CREEK.—The 2.6-mile segment
 6 of Cave Creek from the headwaters at the River
 7 Styx to the boundary of the Rogue River-
 8 Siskiyou National Forest as a recreational river.

9 “(B) LAKE CREEK.—The 3.6-mile segment
 10 of Lake Creek from the headwaters at Bigelow
 11 Lakes to the confluence with Cave Creek as a
 12 scenic river.

13 “(C) NO NAME CREEK.—The 0.6-mile seg-
 14 ment of No Name Creek from the headwaters
 15 to the confluence with Cave Creek as a wild
 16 river.

17 “(D) PANTHER CREEK.—The 0.8-mile seg-
 18 ment of Panther Creek from the headwaters to
 19 the confluence with Lake Creek as a scenic
 20 river.

21 “(E) RIVER STYX.—The segment of River
 22 Styx from the source to the confluence with
 23 Cave Creek as a recreational river.

24 “(F) UPPER CAVE CREEK.—The segment
 25 of Upper Cave Creek from the headwaters to

1 the confluence with River Styx as a recreational
2 river.”.

3 **SEC. 6. ADMINISTRATION.**

4 (a) IN GENERAL.—The Secretary, acting through the
5 Director of the National Park Service, shall administer the
6 Monument in accordance with—

7 (1) this Act;

8 (2) Presidential Proclamation Number 876 (36
9 Stat. 2497), dated July 12, 1909; and

10 (3) any law (including regulations) generally
11 applicable to units of the National Park System, in-
12 cluding the National Park Service Organic Act (16
13 U.S.C. 1 et seq.).

14 (b) ECOLOGICAL FOREST RESTORATION ACTIVI-
15 TIES.—As soon as practicable after the date of enactment
16 of this Act, the Secretary shall carry out forest restoration
17 activities within the boundaries of the Monument—

18 (1) to reduce the risk of losing key ecosystem
19 components;

20 (2) to restore the proper role of fire in the eco-
21 system; and

22 (3) to ensure that forest attributes (including
23 species composition and structure) remain intact and
24 functioning within a historical range.

1 **SEC. 7. VOLUNTARY GRAZING LEASE OR PERMIT DONA-**
 2 **TION PROGRAM.**

3 (a) DONATION OF LEASE OR PERMIT.—

4 (1) ACCEPTANCE BY SECRETARY CON-
 5 CERNED.—The Secretary concerned shall accept any
 6 grazing lease or grazing permit that is donated by
 7 a lessee or permittee.

8 (2) TERMINATION.—The Secretary concerned
 9 shall terminate any grazing lease or grazing permit
 10 acquired under paragraph (1).

11 (3) NO NEW GRAZING LEASE OR PERMIT.—
 12 With respect to each grazing lease or grazing permit
 13 donated under paragraph (1), the Secretary con-
 14 cerned shall—

15 (A) not issue any new grazing lease or
 16 grazing permit within the grazing allotment
 17 covered by the grazing lease or grazing permit;
 18 and

19 (B) ensure a permanent end to livestock
 20 grazing on the grazing allotment covered by the
 21 grazing lease or grazing permit.

22 (b) EFFECT OF DONATION.—A lessee or permittee
 23 that donates a grazing lease or grazing permit (or a por-
 24 tion of a grazing lease or grazing permit) under this sec-
 25 tion shall be considered to have waived any claim to any

1 range improvement on the associated grazing allotment or
2 portion of the associated grazing allotment, as applicable.

3 **SEC. 8. AUTHORIZATION OF APPROPRIATIONS.**

4 There are authorized to be appropriated such sums
5 as are necessary to carry out this Act.

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